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FACSIMILE COVER LETTER

From: GREENBLUM & BERNSTEIN, P.L.C.

Date: March 30, 2004

To: U.S. Patent and Trademark Office

Attn: Examiner P. Kumar

File No.: P18062

Application No.: 09/473,683

Telefax Number: 703-746-8307

TOTAL NUMBER OF PAGES, INCLUDING COVER LETTER: 5

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File In: BY FAX

MARCH 30, 2004

The Patent Office Date stamp hereon is an acknowledgement that, on the date indicated, the Patent Office received the following:

- (x) **REQUEST FOR NEW OFFICE ACTION AND RESTATEMENT OF TIME PERIOD FOR RESPONSE TO NEW OFFICE ACTION**
- | | |
|--|---|
| () Amendment | () Claim of Priority & Certified Copy of _____ |
| () Executed Assignment and cover letter () by facsimile | |
| () Executed S.E.S. () S.E.S. Assertion | () Declaration () Supplemental |
| () Req. For Ext. Of Time | () New () Unexecuted |
| () Fee Filing () | () Executed by facsimile |
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| () Fee Transmittal | () Reissue () Design |
| () Maintenance Fee Payment | () Continuation () CIP |
| () PTOL-85B Issue Fee | _____ pages (w/abstract) |
| () Letter to Draftsman | _____ Claims _____ Independent |
| () Design Patent Application Transmittal | _____ Sheets of drawings |
| () Utility Patent Application Transmittal | _____ Figures |
| () Provisional Application Cover Sheet | () I.D.S. form PTO-1449 & |
| () Continued Prosecution Application | References () as attached |
| (CPA) Request Transmittal | () as listed on reverse |
| () Request for Continued Examination (RCE) including submission | () One self-addressed postcard |
| () Cover Letter Regarding | () Certification under 1.97(e) |
| () Check No. for \$ | () Certificate of Mailing (C-O-M) |
| () Rule 53b and 53f Letter for Unexecuted Application | () Returned Envelope |

In the Matter of : **ACTIVATION OF MULTIPLE XDSL MODEMS WITH HALF AND FULL DUPLEX PROCEDURES**
Applicant : **STEPHEN PALM**
Application No. : **09/473,683** Filed : **December 29, 1999**
Patent No. : Issued :
Docket : **P18062** SW


#19
3/31/04
DS

P18062.A23

Facsimiled to
Examiner P. Kumar
at 703-746-8307

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 746-8307 on March 30, 2004.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen PALM

Appl. No. : 09/473,683

Group Art Unit : 2631

Filed : December 29, 1999

Examiner : P. KUMAR

For : ACTIVATION OF MULTIPLE xDSL MODEMS WITH HALF AND A FULL
DUPLEX PROCEDURES

**REQUEST FOR NEW OFFICE ACTION AND RESTARTING OF TIME PERIOD FOR
RESPONDING TO NEW OFFICE ACTION**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Further to telephone conversations with the Examiner on March 15, 2004 and March 29, 2004, Applicant respectfully requests the withdrawal of the Office Action mailed on March 11,

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2004, and the issuance of a new, non-final Office Action, in which the time period to respond is restarted to run from the mailing of the new Office Action.

The ground for the request is as follows:

On August 19, 2003, the Examiner mailed an Office Action in which independent claim 17 was rejected over U.S. Patent 5,349,635 to SCOTT. However, the Examiner indicated that claim 21 (along with additional dependent claims) contained allowable subject matter, and that claim 21 would be allowable if it was amended to be placed in independent form (see, for example, paragraph 11 on page 5 of the August 19, 2003 Office Action).

On December 19, 2003, Applicant filed an amendment, in which the subject matter of dependent claim 21 was incorporated into independent claim 17 (from which claim 21 depended).

On March 11, 2004, the Examiner mailed a new Office Action, once again rejecting claim 17 as being anticipated by SCOTT (e.g., the same rejection set forth in the August 19, 2003 Office Action), and again indicating that dependent claim 21 (which is now canceled pursuant to the December 19, 2003 amendment, which incorporated the subject matter of claim 21 into independent claim 17), along with other dependent claims, contain allowable subject matter and would be allowable if it is amended to be placed in independent form.

Accordingly, Applicant believes that the amendment filed on December 19, 2003 may not have been properly placed in the file, or that the Examiner inadvertently prepared an Office Action based upon the claims pending in the application prior to the filed December 19, 2003 amendment. Accordingly, Applicant respectfully requests the issuance of a new Office Action

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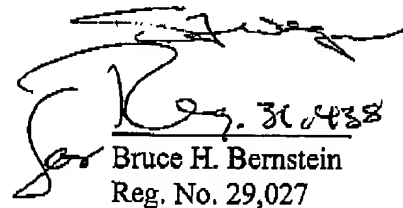
(and a restarting of the time period for responding thereto) that is based upon the claims presented in the December 19, 2003 amendment.

Further, Applicant submits that he has done what the Examiner suggested; namely, place objected claim 21 into independent form by incorporating the subject matter thereof into the base claim (e.g., independent claim 17). Accordingly, Applicant submits that independent claim 17 (along with its dependent claims) is allowable over the applied art of record.

Applicant further submits that in view of the December 19, 2003 response, any new Office Action should be non-final.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Stephen PALM



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Bruce H. Bernstein
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March 30, 2004
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